

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23<sup>RD</sup> DAY OF MARCH, 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (3)      Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Prices Fork Elementary School Site
- (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Joinder Study with the Blacksburg-Christiansburg-VPI Water Authority
- (1)      Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Industrial Development Authority  
2. New River Community Action  
3. Parks and Recreation Commission  
4. Planning Commission  
5. Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Gary D. Creed	
Annette S. Perkins	

#### **OUT OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

#### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

#### **VOTE**

AYES  
William H. Brown  
James D. Politis  
Mary W. Biggs  
Doug Marrs  
John A. Muffo  
James D. Politis  
Annette S. Perkins

NAYS  
None

## ABSENT DURING VOTE

None

## ABSENT DURING MEETING

None

## INTRODUCTION – INTERIM COUNTY ADMINISTRATOR

Chair Perkins introduced L. Carol Edmonds, Assistant County Administrator, as the Interim County Administrator for Montgomery County.

## INVOCATION

A Moment of Silence was lead by Chair Perkins

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## PUBLIC HEARINGS

Special Use Permit – Virginia Tech Foundation, Inc. (Agent: NTELOS)

**A request by Virginia Tech Foundation, Inc. (Agent: Ntelos) for a Special Use Permit (SUP) on approximately 54.54 acres in an Agriculture (A1) zoning district to allow a 125' telecommunications tower.** The project location is north of 2797 Stroubles Creek Road, and the property is identified as Tax Parcel No(s). 65-A-5 (Acct No. 021713), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary on the request. The intended goal for the proposed tower is to improve service for citizens traveling along the Price's Fork and Stroubles Creek Roads. This request presents a need to balance the aesthetic desires of citizens with the need for adequate cellular telephone coverage. The location of the proposed tower is in the southern portion of the wooded ridgeline on a 54 acres site. The tower will be located in the center of dense tree coverage with the majority of the trees towering 60 – 70 feet in height. The applicant demonstrated efforts to find a suitable co-location site to provide service in this area. This site does have two potential co-location options, a radio tower and a PSA water tank. Neither option is viable because the radio tower and the water tank are not high enough to get the required coverage.

At their March 11, 2009 meeting, the Planning Commission recommended approval of the Special Use Permit request with nine conditions.

Supervisor Creed asked how many slots will be available to other cellular companies who may want to co-locate. Ms. Jenkins replied there are a total of four spaces, 1 for NTELOS and 3 co-location spaces.

Mike Pace, Gentry Locke Rakes & Moore, agent for the applicant, addressed the Board on NTELOS request to allow construction of a 125' wireless communications monopole tower on property owned by Virginia Tech Foundation, Inc. NTELOS proposed to construct and operate a wireless tower to provide uninterrupted service to its customers along Price's Fork Road and Stroubles Creek Road, in particular the Wake Forest subdivision.

Mr. Pace commented that NTELOS has made an exhaustive search of the area to find suitable collocation opportunity. The existing Cumulus radio transmission tower located on the same property was carefully studied and it was determined that the tower is not structurally able to hold NTELOS' equipment and the tower height would need to be extended by approximately 20 feet to get the required coverage. NTELOS offered to modify or replace the tower but Cumulus declined because of contractual arrangements with current users of the tower.

The second collocation opportunity was the existing Montgomery County PSA water tower. The elevation was not high enough to accommodate NTELOS' needs. They also looked at seven other alternate sites and all were found to be unavailable for lease or unsuitable.

Mr. Pace believes this application reasonably addresses the needs of NTELOS customers for continuous uninterrupted coverage in this area of Montgomery County and the desire of the County and its residents to minimize visual impact. He also believes the application satisfies the requirements of the County's zoning ordinance and the policies contained in the Comprehensive Plan.

There being no further speakers, the public hearing was closed.

Special Use Permit – Walter & Sherry Saville ( Agent: NTELOS)

**A request by Walter T. & Sherry K. Saville, (Agent: Ntelos) for a Special Use Permit (SUP) on approximately 7.74 acres in an Agriculture (A1) zoning district to allow a 152' telecommunication tower.** The property is located adjacent to 2416 Poverty Creek Road, and is identified as Tax Parcel No(s). 38-A-153 (Acct No. 016650), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary on said request. NTELOS is requesting to construct a telecommunications tower not to exceed 152 feet located on Poverty Creek Road. The site is open pasture land with the property owner residing adjacent to the site. The tower will be visible from Mt. Zion Road and portions of Keisters Branch; however, existing buffering and topography should minimize the potential impacts to the majority of the surrounding area.

The applicant has requested a 152' telecommunications tower, with the tower at 150' and a 2' lightning rod. Planning staff has recommended a 130' tower while the Planning Commission recommended approval of the 152' tower. Planning staff believes that the height of the tower could be reduced and still achieve the applicant's coverage goals.

At their March 11, 2009 meeting, the Planning Commission recommended approval of a 152 feet tower inclusive of the proposed lightening rod with a ground elevation of 1,928 ft. The tower shall have no lighting unless required by the FAA.

Supervisor Perkins asked if the Virginia Tech/Montgomery Regional Airport was contacted to see if the tower would affect their flight plan. Ms. Jenkins replied that Michael St. Jean, Airport Director, reviewed the proposed plans and stated there was no conflict with any of their flight plans.

Supervisor Biggs asked if the Planning Commission recommended the requested height of 152 ft. because they thought more space would be available for co-locaters. Ms. Jenkins replied that she did not have the answer to this question; however, the agent, Michael Pace, may have the answer.

Mike Pace, Gentry Locke Rakes and Moore, agent for the applicant, explained that a 152 ft. tower will provide for a total of four carriers. There is a 10 ft separation between each antenna and if a 130 ft. tower was approved they would lose one spot. The proposed site is located in an open field, not on a ridge line, therefore, the extra height is needed to achieve the desired coverage. Mr. Pace commented they looked at a total of 24 different sites with the Poverty Creek site being the best site overall. There are no existing towers in this area on which to collocate antennas. There is a significant gap in coverage along Mr. Zion/Glade Road, Keisters Branch Road, and Walnut Spring Road.

Supervisor Creed asked if a 130' tower were approved does NTELOS have any plans in the future to provide coverage to the areas that will still have a gap in coverage. Mr. Pace replied at this point the areas will not be covered and NTELOS would have to look at additional sites for the construction of another tower.

Supervisor Creed commented that he is in favor of higher towers in order to have fewer towers throughout the County.

There being no further speakers, the public hearing was closed.

## **PUBLIC ADDRESS**

**Angelee King** addressed the Board regarding a Notice of Violation letter her family received from the Montgomery County Zoning Administrator regarding straw being stored on their property in trailers. Her family lives on a 48 acre farm and leases another 90 acres for farming. They produce straw from each farm and then store the straw from each lot on their 48 acre farm in trailers. The Zoning Administrator determined that the use of tractor trailers to store hay that was not produced on the premises for the purpose of selling the hay off site to be in violation of proper use in the Agriculture District. Ms. King believes that the definition for uses in the Agriculture District need to be better defined for farmers. She requested that the Board of Supervisors review the County's Code for uses permitted by right in the Agriculture District.

There being no further speakers, the public address session was closed.

## **DELEGATION**

### **2010 Census**

Karen Wesley, representative with the 2010 Census, provided information to the Board regarding the 2010 Census. The Census is taken every ten years and the next census is scheduled to begin April 2010. Data from the census will be used to help make vital decisions for all citizens, such as determining congressional seats and how federal funds will be distributed to state and local governments.

One of the primary goals of the 2010 Census is to increase the national mailback response rate. During the 2000 Census there was only a 60% mailback response rate, therefore census workers had to physically go to places of residences to get a completed interview from the household that did not return a questionnaire. The U.S. Census Bureau is asking each locality to establish a Complete Count Committee to help plan and implement local outreach efforts to publicize the importance of the 2010 Census. The goal is to influence members of the community to complete a 2010 Census questionnaire in a timely and accurate manner. Even though the 2010 Census questionnaires will not be delivered to households until March 2010, it is important for citizens to be aware of its importance. The more informed citizens are about the Census, the better their understanding of the process becomes.

Ms. Wesley thanked the Board for their time and asked they consider establishing a Complete Count Committee in Montgomery County.

Ruth Richey, Public Information Officer, reported that she will be the staff representative for the 2010 Census and will be working with the Census Bureau. Ms. Richey supports the request to establish a Complete Count Committee and will provide a resolution of support on the Board's next agenda.

## **CONSENT AGENDA**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated March 23, 2009 was approved.

The vote on the foregoing motion was as follows:

### **AYE**

James D. Politis  
Mary W. Biggs  
Doug Marrs  
John A. Muffo  
Gary D. Creed  
William H. Brown  
Annette S. Perkins

### **NAY**

None

## **Approval of Minutes**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated January 12, 2009 and January 20, 2009 were approved.

### **A-FY-09-78 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$6,128
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$6,128

Said resolution appropriates Technology Trust fund monies to cover the cost of computer equipment.

### **A-FY-09-79 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

220 Commonwealth's Attorney	\$383
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104 Confiscations	\$383

Said resolution appropriates monies received in the Forfeited Asset Sharing Program for use by the Commonwealth's Attorney's office.

### **A-FY-09-80 SHERIFF RECOVERED COSTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

320 Sheriff – County	\$1,239
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419108 Recovered Costs	\$1,239

Said resolution appropriates recovered costs for use by the Sheriff's department.

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<b>FROM:</b>		
950	General Contingencies	(\$14,000)
<b>TO:</b>		
890	Public Service Authority	\$14,000

Said resolution transfers appropriated funds from General Contingencies to the Public Service Authority to provide funds for the fire hydrant maintenance program.

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, HS Tejas, LTD., owns land lying and being in the County of Montgomery designated as Tax Map Parcel 33-(A)-6 (Parcel ID # 002853) on the tax maps of Montgomery County, Virginia and proposes a major subdivision consisting of eleven (11) lots located along Reese Mountain Road; and

WHEREAS, HS Tejas, LTD. requested permission from the Board of Supervisors to subdivide the Property using Reese Mountain Road, a private street, for access to the public street as provided for in Section 8-152 of the Montgomery County Subdivision Ordinance; and

WHEREAS, The Board of Supervisors approved the use of private streets to serve this subdivision on September 8, 2008 (R-FY-09-31) with seven (7) conditions related to its development; and

WHEREAS, This major subdivision by H.S. Tejas, LTD. has been approved by the Virginia Department of Health for on-site sewage disposal systems to serve each new lot.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Major Subdivision of a portion of tax parcel 33-(A)-6 for HS Tejas, LTD., (Gay and Neel, Inc. Job No. 1703.1 dated 03/05/09), Shawsville Magisterial District, including (1) Road Maintenance Agreement, (2) Notice to all Purchasers Agreement, (3) Declaration of Covenants, Conditions and Restrictions.

FURTHER, The Subdivision Agent and County Engineer are hereby authorized to sign said plat for recordation.

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The streets described below are shown on a plat in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that the streets meet the requirement established by the Virginia Department of Transportation's Subdivision Street Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following streets to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer:

ADDITION:

**Meadows of Fairview Subdivision**

Name of Street:

Length

► **Scenic Drive, State Route Number 1082**

- From: Route 669 Fairview Church Drive  
To: Route 1083 Divine Drive, 0.08 miles  
Recordation Reference: PB 23 PG 418  
Right of Way width = 50 feet

► **Divine Drive, State Route Number 1083**

- From: Route 1082 Scenic Drive  
To: cul-de-sac, 0.05 miles.  
Recordation Reference: PB 23 PG 418  
Right of Way width = 50 feet

► **Divine Drive, State Route Number 1083**

- From: Route 1082 Scenic Drive  
To: cul-de-sac, 0.07 miles.  
Recordation Reference: PB 23 PG 418  
Right of Way width = 50 feet

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

**R-FY-09-129  
APPOINTMENT  
ECONOMIC DEVELOPMENT COMMISSION  
(MONTGOMERY REGIONAL)  
VIRGINIA TECH REPRESENTATIVE**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Joe W. Meredith** as Virginia Tech's representative to the **Montgomery Regional Economic Development Commission** effective March 24, 2009 and expiring March 23, 2012.

**OLD BUSINESS**

**R-FY-09-130  
REMOVE FROM THE TABLE  
SPECIAL USE PERMIT AMENDMENT  
OAK FOREST MHC, LLC**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors does hereby remove from the table the Special Use Permit (SUP) Amendment request by Oak Forest for the property identified as parcel ID 016259, Tax Map Number 66-A-98 owned by Oak Forest MHC, LLC, that was previously approved on February 23, 2004 for Oak Forest MHC, LLC by the Board of Supervisors.



The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

### **Discussion by the Board**

Steve Sandy, Planning Director, provided additional information on the Oak Forest MHP request that Board members had requested at their March 9, 2009 meeting as follows:

- Montgomery County Public schools indicate that there are the following students in the mobile home park as of February 24, 2009:

Elementary (Kipps)	22 students
Middle School (Blacksburg)	23 students
High School (Blacksburg)	5 students

- Mr. James Radford owns the mobile home park property; however, roughly half of the units are owner occupied. He has two separate lease agreements; one for lot rental only (24 months) and one for lot/dwelling rental (12 months). The conditions of the lease agreements appear similar with regard to the requirements to keep property clean and free of junk, trash, leaves, etc... They were not able to obtain a list of which trailers are owned by Mr. Radford and which are privately owned.
- Lot renters are required in the lease agreement to have decks on the front and rear doors at least 5' x 6' in size that conform to the codes of Montgomery County. There are approximately ten (10) homes that do not currently meet this requirement. Mr. John Neel indicates that these homes have not been required to comply with the terms of the lease because they are long time park residents that are operating under older agreements. These homes are privately owned.
- Approximately twelve (12) lots within the park were noted for having noticeable trash, leaves, junk cars/boat and/or other debris during the inspection performed on March 19, 2009. As of today, March 23, 2009, another tour of the Park was conducted and a fair amount of the debris has been cleaned up from the twelve lots. There also were signs of recent repairs to underpinning and decks throughout the park.

The Board discussed this request and concerns they have regarding the management of the mobile home park. They expressed concerns with the number of the older mobile home units that do not have the proper decking which is a safety issue especially with the older residents. The Board instructed staff to find out if the mobile home park owner or the tenants own these trailers without decking. One Board member asked if there were agencies that could help the residents with the cost of building the decks in order to bring them up to code and provide a safe access to their homes.

Sheriff Whitt asked to address the Board at this time to express concern about the lack of house numbers on the trailers. His department has difficulty locating units when called out to the Park and it becomes a search mission which can become timely, especially a 911 call. He asked if the Board could request the Park owner to make sure each unit is marked with their lot/house number. Supervisor Creed also suggested that the County's GIS/Mapping Department could create a map showing the outline of the Park with each lot number clearly marked.

The Board was in consensus to table this request again until such information could be obtained.

**R-FY-09-131**  
**TABLE**  
**SPECIAL USE PERMIT**  
**OAK FOREST MHP, LLC (AGENT: GAY & NEEL, INC.)**  
**FOR THE PURPOSE OF AMENDING A SPECIAL USE PERMIT APPROVED**  
**ON FEBRUARY 23, 2004 BY THE BOARD OF SUPERVISORS**  
**IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)**  
**PARCEL ID 016259; TAX MAP NUMBER 66-A-98**

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Special Use Permit Amendment request by Oak Forest MHP, LLC for the property located at 1156 Hightop Road identified as parcel ID 016259, Tax Map Number 66-A-98, that was previously approved on February 23, 2004 for Oak Forest MHP, LLC is hereby **TABLED** until such time County staff can obtain additional information requested by the Board of Supervisors.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
James D. Politis	
Mary W. Biggs	
William H. Brown	
Annette S. Perkins	

**NEW BUSINESS**

**R-FY-09-132**  
**PROCLAMATION**  
**TAKE BACK THE NIGHT**  
**RALLY AND MARCH**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

**WHEREAS**, The first *Take Back the Night* event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

**WHEREAS**, Five years later in the United States, a *Take Back the Night* march was held in San Francisco where over 5,000 women from 30 states participated; and

**WHEREAS**, Since then, marches have been held throughout the U.S., Canada, Latin America, India, and Europe; and

**WHEREAS**, *Take Back the Night* marches have been held in Richmond and Charlottesville, and at Hollins University, Radford University, Roanoke College, and Virginia Tech; and

**WHEREAS**, Marchers have called attention to violence against women—sexual harassment, misogyny, rape, and murder; this violence affects both individuals in the community and the community as a whole; and

**WHEREAS**, The twentieth annual *Take Back the Night* Rally and March will be held Thursday, March 26, 2009 beginning at 7:00 p.m. on the Drillfield in front of the chapel at Virginia Tech to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

**NOW, THEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia supports the twentieth annual *Take Back the Night* event which is part of Women's Month 2009.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
James D. Politis	
Mary W. Biggs	
William H. Brown	
Doug Marrs	
Annette S. Perkins	

### **RECESS**

The Board took a 15 minute recess and reconvened at 9:20 p.m.

### **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Rural Addition Policy

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
James D. Politis	
Mary W. Biggs	
William H. Brown	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

### **Rural Addition Policy**

Steve Sandy, Planning Director, reported that former County Administrator, B. Clayton Goodman, developed a Rural Addition Policy in order to adopt an official policy for adding or deleting roads from the Rural Addition Priority List and to provide consistency and criteria for adding roads. This proposed policy was submitted to the Board at their March 9, 2009 meeting for review. Mr. Goodman also recommended that Big Vein Road be removed from the County's Rural Addition Priority List since the project cannot move forward due to lack of right-of-way and line of sight. Big Vein Road is Priority #1 on the list.

Mr. Sandy explained that in the past there have been right-of-way issues when trying to obtain the needed right-of-way to upgrade a private road to state standards. The current Rural Addition Priority List contains 12 projects ranging from \$10,000 to \$350,000 estimated project cost. Funding for rural addition comes from 5% of the yearly secondary allocation for Montgomery County. Montgomery County has traditionally covered costs associated with deed recordation only and residents are expected to assume costs associated with utility relocation. It normally takes several years to accumulate enough funding to cover the cost of the project.

The Board of Supervisors directed Mr. Sandy to continue to work on the proposed policy and bring back a final proposal at a future agenda. A resolution to remove Big Vein Road from the Rural Addition Priority List will be added to the Board's April 13, 2009 agenda for the Boards' consideration.

## **OUT OF WORK SESSION**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
William H. Brown	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

## **COUNTY ADMINISTRATOR'S REPORT**

1. Budget Work Session – April 6, 2009. The Interim County Administrator recommended a budget work session be scheduled for April 6, 2009 at 6:00 p.m. in order to update the Board on state revenues. It was consensus by the Board to schedule a special meeting on April 6, 2009 at 6:00 p.m. to hold a budget work session.
2. The American Recovery and Reinvestment Act of 2009 Congressman Rick Boucher is hosting a conference on April 20, 2009 at the Wytheville Meeting Center to present information from the federal and state agencies regarding the allocation to local governments and other entities of funding from the federal stimulus program. The Interim County Administrator will be attending.

## **BOARD MEMBERS' REPORTS**

**Supervisor Biggs** recommended that Larry Linkous and Spencer Hall be reappointed to the Industrial Development Authority and made the following motion:

### **R-FY-09-133 APPOINTMENT INDUSTRIAL DEVELOPMENT AUTHORITY**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Larry J. Linkous** to the **Industrial Development Authority** effective March 29, 2009 and expiring March 28, 2013.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

### **R-FY-09-134 APPOINTMENT INDUSTRIAL DEVELOPMENT AUTHORITY**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **F. Spencer Hall** to the **Industrial Development Authority** effective March 29, 2009 and expiring March 28, 2013.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

### **Supervisor Biggs Report Continued**

School Board Meeting Supervisor Biggs reported that School Superintendent Tiffany Anderson announced her resignation to the School Board effective June 30, 2009.

Library Board Supervisor Biggs attended the Library Board meeting and submitted the agenda to be included in the County Administrator's Weekly Report.

Western Virginia Regional Jail Authority Governor Kaine is supporting the recommendation of the General Assembly to place back in the State's budget funding for the construction of the Western Virginia Regional Jail.

Supervisor Politis recommended that the storage of agriculture products/goods in the Agriculture District be referred to the Planning Commission at the request of Ms. King, who spoke during Public Address tonight.

Supervisor Creed asked if the King's are renting or leasing the property. If the property is leased to farm then they still own the product.

Mr. Charles King was asked if he wanted to answer the Board's questions regarding hay being stored on his property. Mr. King explained that they own the property where the hay is being stored and lease another 98 acres where they cut their own hay. They grow all the hay that is stored in the trailers and do not purchase any hay from others.

### **R-FY-09-135 REFER TO THE PLANNING COMMISSION**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby requests the Montgomery County Planning Commission to study the by-right accessory use of storing agricultural products in trailers on land zoned Agricultural (A-1), including the current restriction that only agricultural products produced on premises may be stored in the trailers and advise the Board of Supervisors of any recommended change to the current Zoning Ordinance to address this accessory use in A-1.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
James D. Politis	
Annette S. Perkins	

## **Board Members' Reports continued:**

**Supervisor Muffo** announced he will not be attending the Board's public hearing on the FY 2009-2010 Budget due to attending and Chairing the Community Services Board meeting on the same night.

**Greenwood Assisted Living Facility in Blacksburg** Supervisor Muffo reported he toured the Greenwood Assisted Living Facility in Blacksburg. This facility provides assisted living quarters for residents who may have had a stroke, brain injury, etc. Supervisor Muffo explained that the State policy does not support people living in this type of facility, only in nursing homes. He believes this is forcing people to live in nursing homes, which may not be the ideal place for them. It also creates a burden on family members to pay the cost of an assisted living facility. He believes the state policy needs to be amended to include assisted living facilities as a choice for citizens who need this type of assistance.

**Fairview Home in Dublin** Supervisor Muffo reported he also toured the Fairview Home and was very impressed at the improvements made to the facility over the past few years.

**Supervisor Brown** attended the CLEO meeting and submitted the agenda/minutes to be included in the County Administrator's Weekly Report. This includes the latest unemployment figures across the state.

**Supervisor Marrs** appreciated Supervisor Muffo's comments on the Fairview Home. As the Board of Supervisors representative on the Fairview Home Board, he can testify that they have worked hard to get this facility up to standards. Supervisor Marrs gave Clay Goodman, former County Administrator, credit for making a change at the Fairview Home. There is a new administration in place with a new manager, who is doing a wonderful job. The citizens who live at the Fairview Home are proud of their facility.

## **ADJOURNMENT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Thursday, March 26, 2009 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<b><u>AYE</u></b>	<b><u>NAY</u></b>
Mary W. Biggs	None
William H. Brown	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
James D. Politis	
Annette S. Perkins	

The Board adjourned at 10:10 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins Chair, Board of Supervisors	L. Carol Edmonds Interim County Administrator